

IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF MISSOURI

**PLAINTIFF'S MOTION TO DISMISS HER CLAIMS WITHOUT PREJUDICE**

COMES NOW Plaintiff Gail Drahos, by and through her attorneys of records, pursuant to Rule 41(a)(2) and for her Motion to Dismiss her Claims without prejudice against Defendants Budget Rent A Car System, Inc. and Avis Rent A Car System, LLC, states as follows:

1. This suit is based in a cause of action for personal injuries for a fall occurring in the parking lot of 10482 Natural Bridge Road, St. Louis, MO 63134.
2. On July 23, 2020, Plaintiff took the deposition of Jon Prachyl, the corporate designee of Defendants Budget Rent A Car System, Inc. and Avis Rent A Car System, LLC as well as Avis Budget Group, Inc., who is not a party to this action.
3. Mr. Prachyl testified that he was an employee of Avis Budget Group, Inc. and that the time of the incident, the premises was in the control of Avis Budget Group, Inc.
4. Mr. Prachyl testified that neither Defendant Budget Rent A Car, Inc. nor Defendant Avis Rent A Car System, LLC had any employees present at the premise at the time of the incident.
5. Based on this testimony, Plaintiff seeks to dismiss this action without prejudice against Defendants Budget Rent A Car System, Inc. and Avis Rent A Car System, LLC.

6. Defendant Budget Rent A Car System, Inc. and Avis Rent A Car System, LLC. are not prejudiced by Plaintiff's dismissal without prejudice because Plaintiff relies upon Defendants' corporate designee's testimony and Defendant's Answers to Interrogatories and compliance with Request for Production that neither Defendant is a proper party.

WHEREFORE, Plaintiff prays this Court grant her Motion to Dismiss her Claims Without Prejudice, and for such other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ Andrew H. Marty

Andrew H. Marty, 37158MO  
Evan M. Bettag, 60932MO  
Attorneys for Plaintiff  
Chassaniol & Marty, LLC  
5301 Veterans Memorial Pkwy, Suite 201  
St. Peters, MO 63376  
Telephone: (636) 486-4861  
Fax: (636) 922-0994  
andy@trialstl.com  
evan@trialstl.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 16 day of September, 2020, copies of the foregoing were served on the following counsel of record via the Court's ECF filing system:

Ted L. Perryman  
Korissa M. Zickrick  
Anna K. Beck  
ROBERTS PERRYMAN, P.C.  
1034 S. Brentwood Blvd., Suite 2100  
St. Louis, MO 63117  
(314) 421-1850  
(314) 421-4346 Fax  
tperryman@robertsperryman.com  
kzickrick@robertsperryman.com  
abeck@robertsperryman.com